

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO ex rel. HECTOR
H. BALDERAS, Attorney General, State of
New Mexico,¹

Plaintiff,

vs.

No. CIV 14-1100 JB/KBM

VALLEY MEAT COMPANY, LLC;
RICARDO DE LOS SANTOS; MOUNTAIN
VIEW PACKING, LLC; and DAIRYLAND
PACKING, LLC,

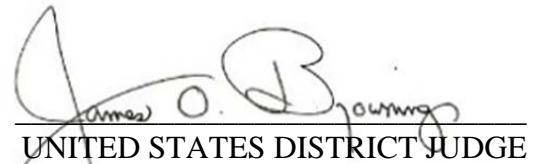
Defendants.

FINAL JUDGMENT

THIS MATTER comes before the Court on its Memorandum Opinion and Order, filed May 20, 2015 (Doc. 16) (“MOO”). In the MOO, the Court concluded that it lacks subject-matter jurisdiction over this case, and that the removal of this case to federal court was improper and objectively unreasonable. See MOO at 1-3. The Court stated that it would remand the case to state court, and it ordered remover D’Allende Meats, LLC to pay the just costs and actual expenses that Plaintiff State of New Mexico incurred as a result of the removal. See MOO at 54.

¹Both the Complaint, filed in state court December 19, 2013, filed in federal court December 4, 2014 (Doc. 2-2), and the Notice of Removal, filed December 4, 2014 (Doc. 2), list the Plaintiff as being the State of New Mexico ex rel. Gary K. King, Attorney General of the State of New Mexico. “On Tuesday, November 4th, 2014, Hector Balderas was elected the 31st Attorney General for the State of New Mexico,” however, and he took office soon after the election. About Hector Balderas, State of New Mexico Office of the Attorney General, <http://www.nmag.gov/about-hector-balderas.aspx> (last visited May 16, 2015). Under rule 25(d) of the Federal Rules of Civil Procedure, when an official sues or is sued in his or her official capacity, and the official leaves office during the course of the litigation, “[t]he officer’s successor is automatically substituted as a party[, and] later proceedings should be in the substituted party’s name.” Fed. R. Civ. P. 25(d).

IT IS ORDERED that this case is remanded to the First Judicial District Court, County of Santa Fe, State of New Mexico, and final judgment is entered.



James O. B. Suring
UNITED STATES DISTRICT JUDGE

Counsel:

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